IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 590 of 2005

Between:

1 Mekala Ramesh S/o.Veeraswamy Hindu
Thurimerla Village, Dagadarthi Mandal, Nellore Dist.
2 Mekala Veeraswamy S/o.Subbaiah
Thurimerla Village, Dagadarthi Mandal, Nellore Dist.

..... PETITIONER(S)

AND

The Mandal Revenue Officer Dagadarthi Mandal
Nellore Dist.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, one in the nature of writ of Mandamus, declaring the action of the respondent herein in proposing to assign the lands an extent of Ac.5-31 cents in S.No.341/1, an extent of Ac.1-69 cents in S.No.336/7 and an extent of Ac 2-17 cents in S.No. 342/1 of Thuzimerla Village, Dagadarthi Mandal, Nellore Dist, in pursuance of the notice in Rc.B.No.97/2004 dt 14-7-2004 of the Respondent without following the procedure under law is illegal, arbitrary, unjust and violative of principles of natural justice and consequently direct the respondent not to interfere with the petitioners peaceful possession and enjoyment of the above lands.

For the Petitioners: MR.K.DURGA PRASAD, Advocate.

For the Respondent: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader appearing on behalf of the respondent and with their consent the writ petition itself is disposed of at the stage of admission.

Petitioner No.1 claims to be in possession and enjoyment of Ac.5-31 cents of land in Survey No.341/1 and petitioner No.2 claims to be in possession and enjoyment of Ac.2-17 cents in Survey No.342/1 and Ac.1-69 cents of land in Survey No.336/7 of Thurimerla village, Dagadarthi Mandal of Nellore District, having purchased the same under two registered sale deeds dated 21-3-1976. They state that to the notice dated 14-7-2004, issued by the respondent under Rule 3 of A.P. Assigned Lands (Prohibition of Transfer) Rules, 1977 (for short the "the Rules") calling upon them to submit their explanation as to why they should not be evicted from the land in question, they submitted explanation on 16-8-2004. Their grievance is that the respondent, without passing any orders on the explanation submitted by them, is trying to evict them from the land, which is illegal and arbitrary. Hence, the writ petition.

Having regard to the facts and circumstances of the case, the respondent is directed to consider the explanation dated 16-8-2004 said to have been submitted by the petitioners to the impugned notice, dated 14-7-2004 issued under Rule 3 of the Rules, and pass appropriate orders thereon in accordance with law. Till passing of such orders, the petitioners shall not be evicted from the land in question.

With the above directions, the writ petition is disposed of at the stage of admission.

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N.V. RAMANA, J

Date: 25-01-2005

Svv

To

1. The Mandal Revenue Officer, Dagadarthi Mandal, Nellore District.

2. Two CCs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT)

3. Two CD copies.